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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,311	10/15/2004	Raymond J. Krasinski	PHUSO20120US	9498
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EXAMINER				
CHOKSHI, PINKAL R				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/511,311

Applicant(s)

KRASINSKI, RAYMOND J.

Examiner

PINKAL CHOKSHI

Art Unit

2425

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 21-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 05/11/2009, with respect to the rejection(s) of claim(s) 1 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Teramoto. See the new rejection below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 2, 6, 9, 10, 14, 17, and 21** are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 7,035,530 to Teramoto (hereafter referenced as Teramoto).

Regarding **claim 1**, "a device for receiving content" reads on the apparatus that reproduce content received from DVD (abstract) disclosed by Teramoto and represented in Fig. 1 (element 10).

As to "a device comprising: a memory which is configured to store a descriptor" Teramoto discloses (col.3, line 66-col.4, line 3; col.4, lines 59-60) that

the apparatus includes a recording means that stores a player region code as represented in Fig. 1.

As to "a processor which is configured to read said descriptor and an origin code embedded in said content" Teramoto discloses (col.5, lines 10-15) that the control unit reads player's region code and region code of the content reproduced from the DVD as represented in Fig. 2 (elements S10 and S20).

As to "wherein said processor is further configured to allow access of said content only when said descriptor is substantially identical to said origin code" Teramoto discloses (col.5, lines 16-25) that the control unit compares both region codes and based on this determination, control unit allow the production of the content as represented in Fig. 2 (elements S30 and S40).

Regarding **claim 2**, "the device wherein said processor is further configured to allow at least one of video signals of said content to be displayed onto a screen and audio signals of said content to be heard on a speaker when said descriptor is substantially identical to said origin code" Teramoto discloses (col.4, lines 30-39) that based on the comparison made by control unit, processing circuit in the reproduction unit allowed to produce data such as audio signals and video signals to TV receiver as represented in Fig. 1.

Regarding **claim 6**, "the device wherein said descriptor includes a region code indicative of a region said device is useable, and said origin code is related

to an origin of said content" Teramoto discloses (col.2, lines 49-60; col.3, line 66- col.4, line 3; col.5, lines 4-7) that both apparatus and DVD include region codes, where the general definition of region code is the area/location where the device/DVD is allowed to play.

Regarding **claim 9**, "a method for accessing of content of a device" reads on the apparatus that reproduce content received from DVD (abstract) disclosed by Teramoto and represented in Fig. 1 (element 10).

As to "method comprising: reading a descriptor embedded in said device and reading an origin code embedded in said content" Teramoto discloses (col.3, line 66-col.4, line 3; col.4, lines 59-60) that the apparatus includes a recording means that stores a player region code as represented in Fig. 1. Teramoto further discloses (col.5, lines 10-15) that the control unit reads player's region code and region code of the content reproduced from the DVD as represented in Fig. 2 (elements S10 and S20).

As to "comparing said descriptor with said origin code and allowing access of said content only when said descriptor and said origin code are substantially identical" Teramoto discloses (col.5, lines 16-25) that the control unit compares both region codes and based on this determination, control unit allow the production of the content as represented in Fig. 2 (elements S30 and S40).

Regarding **claim 10**, "the method wherein said allowing act allows at least one of video signals of said content to be displayed onto a screen and audio signals of said content to be heard on a speaker when said descriptor is substantially identical to said origin code" Teramoto discloses (col.4, lines 30-39) that based on the comparison made by control unit, processing circuit in the reproduction unit allowed to produce data such as audio signals and video signals to TV receiver as represented in Fig. 1.

Regarding **claim 14**, "the method wherein said descriptor includes a region code indicative of a region said device is useable, and said origin code is related to an origin of said content" Teramoto discloses (col.3, line 66-col.4, line 3; col.5, lines 4-7) that both apparatus and DVD include region codes, where the general definition of region code is the area/location where the device/DVD is allowed to play.

Regarding **claim 17**, "the method further comprising: storing said descriptor in a memory of said device" Teramoto discloses (col.3, line 66-col.4, line 3; col.4, lines 59-60) that the apparatus includes a recording means that stores a player region code as represented in Fig. 1.

As to "embedding an origin code in said content" Teramoto discloses (col.5, lines 10-15) that the control unit reads region code of the content reproduced from the DVD as represented in Fig. 2 (elements S10 and S20).

Regarding **claim 21**, “a device for accessing received content” reads on the apparatus that reproduce content received from DVD (abstract) disclosed by Teramoto and represented in Fig. 1 (element 10).

As to “device comprising: a memory storing a descriptor therein, wherein the descriptor cannot be written into the memory by a user of the device and cannot be changed by a user of the device” Teramoto discloses (col.3, line 66-col.4, line 3; col.4, lines 59-60) that the apparatus includes a recording means that stores a player region code as represented in Fig. 1. Teramoto further discloses (col.1, lines 26-27) that the region code can not be rewritten freely on a user side.

As to “means for reading the descriptor stored in the memory and means for reading an origin code embedded in said received content” Teramoto discloses (col.5, lines 10-15) that the control unit reads player’s region code and region code of the content reproduced from the DVD as represented in Fig. 2 (elements S10 and S20).

As to “said origin code identifying a geographical area of origin of said received content” Teramoto discloses (col.3, line 66-col.4, line 3; col.5, lines 4-7) that the DVD content includes region code, where the general definition of region code is the area/location where the device/DVD is allowed to play.

As to “means for comparing said descriptor with said origin code and means for denying access to said received content when said descriptor and said

origin code are not substantially identical” Teramoto discloses (col.5, lines 16-30) that the control unit compares both region codes and based on the comparison, control unit blocks the production of the content when it does not match as represented in Fig. 2 (elements S30 and S50).

4. **Claims 3, 4, 11, and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Teramoto in view of US PG Pub 2003/0131353 to Blom et al (hereafter referenced as Blom).

Regarding **claim 3**, Teramoto meets all the limitations of the claim except, “the device wherein usage rules are further embedded in said content and said processor being further configured to read said usage rules and determining said access of said content based on said usage rules.” However, Blom discloses (abstract, ¶0009, claim 1) that the content comprises usage rules, which defines the rights to use said content. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Teramoto's system to include usage rule in the content as taught by Blom in order to distribute all kinds of contents and protect the content provider's digital assets against unauthorized usage and illegal copying (¶0002, ¶0003).

Regarding **claim 4**, “the device wherein usage rules are embedded in said content and said processor being configured to obey said usage rules in determining said access of said content” Blom discloses (abstract, ¶0009, claim

1) that the content comprises usage rules, which defines the rights to use said content. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Teramoto's system to include usage rule in the content as taught by Blom in order to distribute all kinds of contents and protect the content provider's digital assets against unauthorized usage and illegal copying (§0002, §0003).

Regarding **claim 11**, combination of Fleming and Whitelaw meets all the limitations of the claim except, "the method further comprising: reading usage rules embedded in said content and determining said access of said content based on said usage rules." However, Blom discloses (abstract, §0009, claim 1) that the content comprises usage rules, which defines the rights to use said content. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Teramoto's system to include usage rule in the content as taught by Blom in order to distribute all kinds of contents and protect the content provider's digital assets against unauthorized usage and illegal copying (§0002, §0003).

Regarding **claim 12**, "the method further comprising: reading usage rules embedded in said content; and obeying said usage rules in determining said access of said content" Blom discloses (abstract, §0009, claim 1) that the content comprises usage rules, which defines the rights to use said content. Therefore, it

would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Teramoto's system to include usage rule in the content as taught by Blom in order to distribute all kinds of contents and protect the content provider's digital assets against unauthorized usage and illegal copying (§0002, §0003).

5. **Claims 7, 8, 15, 16, and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Teramoto in view of US Patent 6,583,825 to Yuen et al (hereafter referenced as Yuen).

Regarding **claim 7**, Teramoto meets all the limitations of the claim except, "the device wherein said descriptor includes a device time zone indicative of regions said device is useable, and said origin code includes a content time zone indicative of an origin of said content." However, Yuen discloses (abstract and col.2, lines 9-12) that the channel mapping information which includes time zone is stored in the memory of device. Yuen further discloses (col.10, lines 27-33) that the UTC data, which is converted to the time zone, is transmitted with the channel mapping information of the television signal so they can be matched with data stored in the memory. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Teramoto's system by including time zone in the content and in the stored memory as taught by Yuen in order to determine the channel map identifier based on a geographic

location of the apparatus and extracts the channel map matching to the determined channel map identifier (col.2, lines 65-67).

Regarding **claim 8**, "the device wherein said device time zone is obtainable from a timing module of said device" Yuen discloses (col.10, lines 20-24) that the UTC data, which includes time zone, is included in the clock data that contains current date and time. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Teramoto's system by including time zone in the content and in the stored memory as taught by Yuen in order to determine the channel map identifier based on a geographic location of the apparatus and extracts the channel map matching to the determined channel map identifier (col.2, lines 65-67).

Regarding **claim 15**, Teramoto meets all the limitations of the claim except, "the method wherein said descriptor includes a device time zone indicative of regions said device is useable, and said origin code includes a content time zone indicative of an origin of said content." However, Yuen discloses (abstract and col.2, lines 9-12) that the channel mapping information which includes time zone is stored in the memory of device. Yuen further discloses (col.10, lines 27-33) that the UTC data, which is converted to the time zone, is transmitted with the channel mapping information of the television signal so they can be matched with data stored in the memory. Therefore, it would

have been obvious to one of the ordinary skills in the art at the time of the invention to modify Teramoto's system by including time zone in the content and in the stored memory as taught by Yuen in order to determine the channel map identifier based on a geographic location of the apparatus and extracts the channel map matching to the determined channel map identifier (col.2, lines 65-67).

Regarding **claim 16**, "the method further comprising obtaining said device time zone from a timing module of said device" Yuen discloses (col.10, lines 20-24) that the UTC data, which includes time zone, is included in the clock data that contains current date and time. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Teramoto's system by including time zone in the content and in the stored memory as taught by Yuen in order to determine the channel map identifier based on a geographic location of the apparatus and extracts the channel map matching to the determined channel map identifier (col.2, lines 65-67).

Regarding **claim 23**, "the means for denying access to said received content denies access when the time zone of the origin code does not match a time zone of the descriptor stored in the memory" Teramoto discloses (col.5, lines 16-30) that the control unit compares both region codes and based on the

comparison, control unit blocks the production of the content when it does not match as represented in Fig. 2 (elements S30 and S50).

Teramoto meets all the limitations of the claim except, "the device wherein the origin code identifies a time zone of a location corresponding to the origin of said content." However, Yuen discloses (abstract and col.2, lines 9-12) that the channel mapping information which includes time zone is stored in the memory of device. Yuen further discloses (col.10, lines 27-33) that the UTC data, which is converted to the time zone, is transmitted with the channel mapping information of the television signal so they can be matched with data stored in the memory. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to include time zone in the content and in the stored memory as taught by Yuen in order to determine the channel map identifier based on a geographic location of the apparatus and extracts the channel map matching to the determined channel map identifier (col.2, lines 65-67).

6. **Claims 5, 13, and 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Teramoto in view Blom as applied to claim 4 above, and further in view of US PG Pub 2003/0056212 to Siegel et al (hereafter referenced as Siegel).

Regarding **claim 5**, "the device wherein said usage rules are related to allow said access of said content based on said origin code and said descriptor" Teramoto discloses (col.5, lines 16-25) that the control unit compares both region

codes and based on this determination, control unit allow the production of the content as represented in Fig. 2 (elements S30 and S40). Combination of Teramoto and Blom meets all the limitation of the claim except "usage rules are used to allow access of said content." However, Siegel discloses (¶0027 and ¶0032) that based on the usage rule, which defines the rights of A/V content, allows viewing of the video. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Teramoto and Blom's systems to use usage rule in the content to allow the access as taught by Siegel in order to provide new possibilities for the generation of revenue (¶0002).

Regarding **claim 13**, "the method wherein said usage rules are related to allowing said access of said content based on said origin code and said descriptor" Teramoto discloses (col.5, lines 16-25) that the control unit compares both region codes and based on this determination, control unit allow the production of the content as represented in Fig. 2 (elements S30 and S40). Combination of Teramoto and Blom meets all the limitation of the claim except "usage rules are used to allow access of said content." However, Siegel discloses (¶0027 and ¶0032) that based on the usage rule, which defines the rights of A/V content, allows viewing of the video. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Teramoto and Blom's systems to use usage rule in the content to allow

the access as taught by Siegel in order to provide new possibilities for the generation of revenue (¶0002).

Regarding **claim 22**, "the device further comprising means for reading usage rules embedded in said received content wherein said means for denying access of said received content deny said access of said content based on said usage rules" Teramoto discloses (col.5, lines 16-25) that the control unit compares both region codes and based on this determination, control unit blocks the production of the content as represented in Fig. 2 (elements S30 and S50). Combination of Teramoto and Blom meets all the limitation of the claim except "usage rules are used to allow access of said content." However, Siegel discloses (¶0027 and ¶0032) that based on the usage rule, which defines the rights of A/V content, allows/blocks viewing of the video. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Teramoto and Blom's systems to use usage rule in the content to allow/block the access as taught by Siegel in order to provide new possibilities for the generation of revenue (¶0002).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PINKAL CHOKSHI whose telephone number is (571)

270-3317. The examiner can normally be reached on Monday-Friday 8 - 5 pm (Alt. Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pinkal Chokshi/
Examiner, Art Unit 2425

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425